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09/902,348	07/10/2001	Luis M. Ortiz	O&L 1000-1058	8886
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Kermit D. Lopez/ Luis M. Ortiz Ortez & Lopez PLLC P.O. Box 4484 Albuquerque, NM 87196-4484			ART UNIT 2621	PAPER NUMBER

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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

**MAILED**

Application Number: 09/902,348

Filing Date: July 10, 2001

Appellant(s): ORTIZ ET AL.

**MAY 16 2006**

**Technology Center 2600**

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Luis M. Ortiz  
Registration No. 36,230  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 3/2/2006 appealing from the Office action  
mailed 3/15/2005.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

6,578,203	Anderson et al	6-2003
5,729,471	Jain et al	3-1998
6,782,102	Blanchard et al	8-2004

6,434,403 Ausems 8-2002

## **(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

## **Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-4, 6-10, 12, 13, 15, 18-23, 26, 27, 31, 32, 35, 37, 39 and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson, Jr. et al. in view of Jain et al. (US 5,729,471) as set forth in the Office Action on 3/15/2005.

Claims 5, 14, 16, 17, 24, 33 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson, Jr. et al. in view of Jain et al. and in further view of Hendricks et al. (US 6,675,386) as set forth in the Office Action on 3/15/2005.

Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson, Jr. et al. in view of Jain et al. and in further view of McClintock (US 5,598,208).

Claims 11, 28-30, 36, 38, 41 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson, Jr. et al. in view of Jain et al. and in further view of Blanchard et al. (US 6,782,102).

Claims 40, 43 and 45-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson, Jr. et al. in view of Jain et al. and in further view of Ausems et al. (US 6,434,403).

Claims 44 and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson, Jr. et al. in view of Jain et al. and in further view of Treyz et al. (US 6,526,335).

#### **(10) Response to Argument**

The examiner believes that it would be helpful to review the Anderson Jr. et al and Jain et al references in their entireties since these two references have served as the primary references for the examiner's rejection of all claims in the appealed application. And that the examiner believes there are more than one embodiment that are disclosed in the Anderson Jr. et al reference.

#### **ANDERSON JR. ET AL**

It is the fact that the Anderson discloses more than one embodiments and that the "Head Mounted Display" as argued and solely relied on by the appellants on pages 10-11 is only one of the preferred embodiment, not the only embodiment, as is clearly indicated in column 5, line 23. Anderson et al further teaches, in addition to the "Head

“Head Mounted Display” embodiment, there is at least one other embodiment and it is respectfully submitted that other embodiment, at the very least, discloses a portable display device that when transmitted via a wireless transmitter, its receiver is portable and a spectator may carry with him and **choose to where** he/she would like to view images (see column 5, lines 34-38) or the receiver 75, which includes display device 101 (see figure 3) **may be located at any convenient locations**, and the spectator may carry the receiver with him/her to any desirable locations in or around stadium (column 6, lines 5-13). The fact that Anderson Jr. et al may choose to where he/she would like to view images and the receiver may be located at any convenient locations only means that Anderson Jr. et al has more than one embodiments since the only location that “Head Mounted Display” can be put in on is on the head of the viewer. It is further submitted that that Anderson et al recognizes the inconvenience of having to move away from his/her seat in order to view the monitor displaying the desired perspective and proposing an interface device that receives a plurality of audio and video signals from a plurality of sources. The interface device combines these signals into various combinations and transmits the combinations to a receiver. The receiver is configured to interface one of the combinations of signals with a user. In this regard, the receiver allows the user to select one of the combinations, and in response, the receiver separates the video signal(s) of the selected combination from the audio signal(s) of the selected combination. Then, the receiver renders the video signal(s) via a display device and produces a sound defined by the audio signal(s) via a speaker. Accordingly, the user is able to control which set of audio and video signals are

interfaced with the user (column 2, lines 26-39). It is agreed with the appellants that Anderson Jr. et al does not particularly disclose simultaneous viewing of video captured from more than one camera at an venue.

**JAIN ET AL**

It is agreed that the specification of Jain describes the use of physically wired computer workstation to simultaneously view and edit video from more than one displayed video perspective at a time. But it is respectfully submitted that the feature of simultaneously viewing and editing video from more than one displayed video perspective at a time taught by Jain is what an ordinary skilled artisan in the pertinent art would have found to be of great interest. The examiner believes that it is not relevant on how one receives a plurality of video signals, by connecting electrical wires or by means of wireless, but it is of great importance how one puts together a plurality of video signals on the same display.

**Response to Consolidated Argument for Groups I-VII:**

With regard to the appellants argument that the combination of Anderson et al and Jain fail for three important reasons (pages 14-15):

First, Anderson Jr. et al does not teach or suggest "hand held device";

Second, Anderson Jr. et al is limited because it can only view one video at a time; and

Third, Jain et al only describes the use of physically wired computer workstations to view more than one video perspective at a time for editing purposes not entertainment.

The examiner respectfully disagrees with the first and third given reasons and agrees that Anderson Jr. et al does not particularly disclose simultaneous viewing of video captured from more than one camera at an entertainment venue. That is the precise reason why Jain et al is needed.

First, Anderson Jr. et al, in the other embodiment, clearly teaches a wireless receiver including a display device (fig. 3, el. 101) that can be carried in and around a stadium and placed at any desirable locations for viewing, the examiner believes that that meets the limitation of "hand held display device".

Finally, Jain et al describes the use of physically wired computer workstations in order to receive a plurality of video signals. The examiner does not suggest to combine Anderson Jr. et al and Jain et al in order to use the wired system to transmit a plurality of video signals because, in the stadium environment, wired transmission would cause so much inconveniences and the examiner suspects that it would not even be allowed, further more, Anderson Jr. et al already has convenient means of transmission, a wireless transmission that is suitable to use in the stadium environment. The teaching that caused one of ordinary skilled artisan in the art to learn from Jain et al, is the feature of simultaneously viewing and editing video from more than one displayed video perspective at a time, regardless of how one to obtain signals. It is the examiner's opinion that careful reviewing of Anderson Jr. et al would help one skilled artisan in the

pertinent art to recognize that moving around stadium to view desired monitor would be very inconvenient and that constantly changing received video signal for viewing as proposed by Anderson Jr. et al would help but changing manually from one video signal to another to another would also be not very convenient. Having Jain et al in his/her possession at the time the invention was made, one skilled artisan would have been motivated to make a display device to show multiples video signals captured from more than one camera simultaneously at an venue at a time so he/she does not have to constantly change the received video signals in order to view more than one desirable viewing images. The examiner further stresses that it is proper to take into account not only specific teachings of the reference but also the inferences which one skilled would reasonably be expected to draw therefrom. Having both Anderson Jr, et al and Jain et al, one ordinary skilled in the art would reasonably be expected to ask and answer the question of why do I have to switch channel by constantly changing the video input? Jain et al shows that more than one video signals could be simultaneously displayed and why could Anderson et al be modified to display more than one video signals that were ready to be selected and displayed as taught by Jain et al? The examiner believes that it is logical and it is in common sense that Anderson Jr. et al to be combined with Jain et al to have the feature of simultaneous viewing of video captured from more than one camera at an venue.

With regard to claim 37: the arguments presented by the examiner with respect to claim 37 are irrelevant in light of the fact that neither Jain nor Anderson teach, hint at or suggest, individually or in combination with one another, a hand held device capable

of simultaneous video perspective display as taught and claimed by Appellants. The examiner respectfully disagrees and submits that Anderson Jr. et al, discloses a wireless receiver including a display device (fig. 3, el. 101) that can be carried in and around a stadium and placed at any desirable locations for viewing, the examiner believes that that meets the limitation of "hand held display device" and Jain et al teaches to simultaneously view and edit video from more than one displayed video perspective at a time and having Jain et al in his/her possession at the time the invention was made, one skilled artisan would have been motivated to make a display device to show multiples video signals captured from more than one camera simultaneously at an venue at a time so he/she does not have to constantly change the received video signals to go back and forth between desirable viewing images.

In conclusion, it is respectfully submitted that the examiner has satisfied the requirement to establish a *prima facie* case of obviousness. Since, the evidences provided justifies for the combination of Anderson Jr. et al and Jain et al and that there is a reasonable expectation that one skilled artisan would successfully obtain a hand held display device showing simultaneous images from more than one video sources since the modification only occurring after a plurality of signals had been received.

#### **Response to Argument for Groups VIII Claims:**

The examiner disagrees with the Appellants' arguments on page 21-22 and as indicated in the rejection, except for the limitation of "**a processor for processing said video images with encryption coding, wherein said video images are encrypted**

**prior to broadcasting**" to which the examiner agrees that the combination Anderson Jr. et al and Jain et al does not disclose. The examiner would like to show again, in detail, how he read claims 41 using the combination of Anderson Jr. et al and Jain et al

Claim 41: A system for providing venue-based data including video to hand held devices located within an entertainment venue (Anderson Jr. et al as argued above), said hand held devices (Anderson Jr. et al, figure 3) including a single video display (element 101), a user interface (element 94), a wireless transceiver and having a slot adapted for receiving a removable module (Anderson Jr. et al, figure 1, elements 28 and 71), said system comprising;

more than one video camera simultaneously capturing video images at the entertainment venue (combination of Anderson Jr. et al and Jain et al, column 3, lines 7-45 and column 4, lines 32-35 and figure 2, elements 61);

a processor for processing said video images **without** encryption coding, wherein said video images are encrypted prior to broadcasting of said video signals to the hand held devices located within the entertainment venue;

at least one transmitter for transmitting encrypted video signals to the hand held devices for selective display on the single video display associated with the hand held devices located within the entertainment venue (Anderson Jr. et al, figure 1, element 71);

at least one receiver for receiving service requests from the hand held devices located within the entertainment venue (Anderson Jr. et al, figure 1, element 75); and

at least one server for processing the service requests received from the hand held devices located within the entertainment venue (Anderson Jr. et al, figure 1, element 75).

Blanchard et al is applied to show "it is common and well known to use the encryption algorithm" (column 2, lines 9-22) and that the examiner revolves the level of ordinary skilled in the pertinent art in evaluating evidence of secondary consideration (Blanchard et al) because, it teaches the difference between the prior art (combination of Anderson Jr. et al and Jain et al) and the claim invention. Blanchard et al also clearly provides a reason why it would have been obvious to an ordinary skilled in the pertinent art to combine Anderson Jr. et al and Blanchard et al by stating: "In many instances, it is desirable to provide secure or encrypted communications to prevent interception of the information by outside parties" (col. 1, lines 14-17). It is respectfully submitted that the examiner has satisfied the requirement to establish a *prima facie* case of obviousness.

**Response to Consolidated Argument for Groups IX-X:**

With regard to the appellants' arguments that the combination of Anderson, Jain and Ausems clearly fails to teach a data processing system adapted for receiving, processing and transmitting video perspectives received from more than one camera for simultaneous display at a single display integrated with at least one wireless telephone or personal digital assistant located within the entertainment venue. Appellants have already shown where Anderson and Jain fail to teach a "hand held device" and also fail to teach simultaneous videos displayed on a hand held device. It is even less likely that

one skilled in the relevant art would be motivated to combine Anderson and Jain with Ausems to develop a hand held display that can display more than one image at a time (simultaneous display) at an entertainment venue. If anything, Ausems merely suggests that the basic functions of a PDA and wireless telephone can be combined into a single hand held unit. One skilled in the art would have to make quite a leap reading Ausems, which does not discuss the display of video, to be motivated to combine the references as suggested by the Examiner to arrive at an enterprise system including a data processing system adapted for receiving, processing and transmitting video perspectives received from more than one camera for simultaneous display at a single display integrated with at least one wireless telephone or personal assistant located within the entertainment venue (page 23).

The examiner respectfully disagrees. As indicated and argued above, it is proper to combine Anderson Jr. et al and Jain et al to show a "hand held device" that can be modified to simultaneously display more than one images at a time at an entertainment venue.

The Appellants submit that column 4, lines 40-50 of Ausems cited by the Examiner is irrelevant in light of the fact that Anderson, Jain and Ausems, individually or in combination with one another do not teach, suggest or disclose a hand held device as taught by Appellants' invention as indicated above. Column 4, lines 40-50 of Ausems does not even discuss video functionality. Furthermore, Ausems teaches away from Anderson's head mounted display device, which is clearly an important aspect of Anderson given its incorporation by reference of Rozani's head mounted apparatus.

One skilled in the art would not be motivated to combine Anderson and Ausems because they clearly come from two very diverse technical angles. Anderson and Ausems teach away from each other. Ausems would not benefit from a combination with Jain. Once skilled in the art would not likely be motivated to select all three references and combine them as suggested by the Examiner without using the benefit of Hindsight. Because Anderson, Jain and Ausems could not likely motivate the skilled to arrive at a combination that would render a data processing system adapted for receiving, processing and transmitting video perspectives received from more than one cameras for simultaneous display at a single display integrated with at least one wireless telephone or personal digital assistant located within the entertainment venue without the benefit of hindsight, it would be improper to combine Anderson, Jain and Ausems as a basis for arguing that the combination thereof teaches all of the claim limitations of claims 45 and 50 (page 24).

Again, the examiner respectfully disagrees. The teaching of "the module comprises a smart card (column 4, lines 40-50)" of Ausems and further more, since the smart card is just a way of saving and transmitting personal settings and data to other PDA's or telephones, the teachings are relied upon to show that the hand held display device with capability to display simultaneously video captured from more than one camera at an venue of Anderson Jr. et al and Jain et al could be a personal digital assistant or a wireless telephone. It is respectfully submitted that the examiner has satisfied the requirement to establish a *prima facie* case of obviousness.

**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

Since there is no Evidence Appendix statement provided, the examiner assumed the Appellants meant to include the evidence appendix with a statement of "NONE".

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Nhon T Diep



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